In the High Court of Judicature at Madras

Dated : 11.08.2006

Corm:

The Honourable Mr.Justice P.JYOTHIMANI

W.P.No.24672 of 2006

P.Periyasamy .. Petitioner

vs.

1. The Inspector of General of Registration
   O/o. Inspector General of Registration,
   Chennai-28.

2. The Secretary to Government,
   Commercial Taxes Dept.,
   Fort St. George, Chennai-9. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus call for the entire records relating the G.O.(2T) No.7 dated 20.1.05 issued by the first respondent herein and quash the same subsequently direct the respondents to given the selection grade in the post of District Registrar with effect from January 2004 to the petitioner with all monetary benefits.

For Petitioner : Mr.S.Srinivasan
For Respondents : Mr.A.Edwin Prabhakar, GA

O R D E R

The writ petition challenges the order of the second respondent, Secretary to Government dated 20.1.2005. It is seen that the petitioner while working as a District Registrar was imposed the charge on 14.1.2003 to the effect that in respect of the Registration of a document due to his conduct, he has caused loss to the Government. The petitioner has also submitted his explanation dated 13.3.2003. On 9.12.2004, final show cause notice was issued asking explanation for the loss caused to the Government, for which the petitioner has accepted the said charge on 13.12.2004. On 20.01.2005, again an order of punishment was imposed by way of deduction of Rs.100/- per month for a period of three months from the monthly pensionary benefits.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

2. The impugned order shows that the petitioner by his reply dated 13.12.2004 has clearly admitted for the said punishment and it was based on that the said order of punishment of deduction of Rs.100/- per month for a period of three months from the pensionary benefits against the petitioner, was ordered, which is under challenge in this writ petition.

3. The petitioner would submit that admittedly he retired from service on 30.4.2004. The contention of the petitioner is that the admission for the proposed punishment was given on 13.12.2004 for the reason that the petitioner wanted to retire peacefully on 30.4.2004. Therefore, this contention raised on behalf of the petitioner that for the purpose of peaceful retirement that admission was made and the same should be ignored, cannot be accepted. Further, reference to a previous representation of the petitioner dated 13.3.2003 is relevant in this regard. Even, the communication of the petitioner dated 13.3.2003 is an explanation submitted by the petitioner to the charge memo dated 14.1.2003. Even in that explanation the petitioner has categorically admitted the charge, his only contention in the explanation was that even though there was some mistake on his part, inasmuch as the monetary loss which is said to have been caused loss of income to the Government has been recovered from the Registrar, Cuddlaore and therefore, it cannot be taken there is loss caused to the Government. It was only after considering all those facts and circumstances, the final show cause notice was issued as stated above on 9.12.2004 to which the petitioner in categorical terms, on 13.12.2004 has admitted and accepted the proposed punishment.

4. Further, the learned counsel for the petitioner would submit that in order to get the pensionary benefits in a peaceful manner, such admission was made and this contention of the petitioner is not a tenable contention.

5. The learned counsel for the petitioner would submit that in any event, such admission and the punishment imposed under impugned order should not stand as a bar for the pensionary benefits to get his selection grade and the consequential monetary benefits which may be due to him in accordance with law.

6. I have considered the submissions made by the learned counsel for the petitioner and Mr.A.Edwion Prabhakar, learned Government Advocate, taking notice on behalf of the respondents. As for the reasons stated above, I am of the considered view that there is absolutely nothing to interfere with the impugned order of the second respondent. In view of the same the writ petition fails and the same is dismissed.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

7. Further, it is made clear that if the petitioner is otherwise entitled in accordance with law to be considered to the selection grade post and also the consequential monetary benefits, the present punishment if it is not a bar, the same can be considered by the second respondent in accordance with law and confirmed the said punishment, if there are no legal impediment with the petitioner.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sgl

To

1. The Inspector of General of Registration
   O/o. Inspector General of Registration,
   Chennai-28.

2. The Secretary to Government,
   Commercial Taxes Dept.,
   Fort St. George, Chennai-9.

1 cc to Mr.S.Srinivasan, Advocate, Sr. 36144
1 cc to Government Pleader, Sr. 36311

W.P.No.24672 of 2006

KG (CO)
kk 23/8

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/